

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. – 145. (Canceled)

146. (Currently Amended) A code division multiple access (CDMA) user device comprising:

a CDMA transceiver; and

a controller operable with the CDMA transceiver to establish a packet data communication session according to a protocol architecture, the protocol architecture having a plurality of protocol layers including a physical layer,

the controller being operable with the CDMA transceiver to facilitate use of a data traffic channel and a control channel during the packet data communication session, wherein the data traffic channel and control channel are associated with ~~corresponding~~ CDMA codes and the control channel carries information indicative of a data rate associated with the data traffic channel, the data traffic channel including a plurality of code channels ~~sub-channels~~, wherein the control channel is not adapted to carry voice or data traffic[[]] ,

wherein a state of at least one of the protocol layers other than the physical layer is maintained during the packet data communication session after the data traffic channel has been released, and

wherein the controller is operable to determine whether to request the data traffic channel based on an amount of packet data in a packet data queue.

147. (Previously presented) The CDMA user device of claim 146, further comprising a channel multiplexer for multiplexing control and data traffic channels.

148. (Previously presented) The CDMA user device of claim 146, wherein the user device is a portable device comprising an integrated unit having a modem, the CDMA transceiver, and the controller.

149. (Previously presented) The CDMA user device of claim 146, wherein the CDMA transceiver is operable by the controller to transmit first CDMA signals on a transmission frequency, the transmission frequency being selected by the controller from a plurality of transmission frequencies, the CDMA transceiver also being operable by the controller to receive second CDMA signals on a reception frequency, the reception frequency being selected by the controller from a plurality of reception frequencies.

150. (Previously presented) The CDMA user device of claim 146, wherein the CDMA user device further comprises a memory, the memory being configured to store class of service information, the controller being configured to retrieve the class of service information stored in the memory.

151. (Previously presented) The CDMA user device of claim 146, wherein the CDMA user device further comprises a memory, the memory being configured to store maximum data rate information associated with the user device, the controller being operable to retrieve the stored maximum data rate information associated with the user device from the memory.

152. (Previously presented) The CDMA user device of claim 146, wherein the controller is operable to determine whether to request the data traffic channel further based on an estimated data rate desired to transmit the packet data.

153. – 164. (Canceled)

165. (New) A code division multiple access (CDMA) user device comprising:  
a transmitter;  
a receiver; and  
a controller operable with the transmitter and the receiver to establish a communication session, wherein the controller facilitates use of a traffic channel to carry data or voice and a control channel to carry only information other than data or voice during the communication session, wherein the traffic channel and the control channel are associated with CDMA codes, wherein the controller maintains the communication session after the traffic channel has been released, and wherein the controller adjusts a rate of the traffic channel based on an amount of data in a queue.

166. (New) The CDMA user device of claim 165, wherein the traffic channel includes one or more code channels.

167. (New) The CDMA user device of claim 166, wherein the controller manages a number of the code channels based on the amount of data in the queue.

168. (New) The CDMA user device of claim 166, wherein the one or more code channels are one or more sub-channels.

169. (New) A code division multiple access (CDMA) user device comprising:  
a transmitter; and  
a controller operable with the transmitter to establish a  
communication session with a base station, wherein the transmitter transmits a  
control channel that carries only information other than data or voice during the  
communication session, wherein the controller manages, by use of the control  
channel, a rate of communication during the communication session, and wherein  
the controller maintains a communication session when no data or voice is being  
transmitted by the transmitter.

170. (New) The CDMA user device of claim 169, wherein the controller  
manages the rate of communication during the communication session based on an  
amount of data in a queue.

171. (New) The CDMA user device of claim 169, wherein the controller  
manages the rate of communication by managing a number of code channels.

172. (New) The CDMA user device of claim 171, wherein the code channels  
are sub-channels.

173. (New) The CDMA user device of claim 171, wherein the controller  
manages the number of code channels during a communication session based on an  
amount of data in a queue.

174. (New) The CDMA user device of claim 173, wherein the code channels are sub-channels.

175. (New) The CDMA user device of claim 146, wherein the code channels are sub-channels.